

DETAILED ACTION

Canceled Elected Claims, Non-Responsive

The amendment filed on 3/23/2009 canceling all claims drawn to the elected invention and presenting only claims drawn to a non-elected invention is non-responsive (MPEP § 821.03). The remaining claims are not readable on the elected invention because:

The newly amended claims 48, 59 and 70-75 are drawn to “one of the plurality of programs includes a command for branching which instructs a playback device to perform branching based on title number, the table comprises (a) combinations of program identification information and mode information and (b) title numbers corresponding to the combinations, the program identification information instructs the playback device on a program to be executed for dynamic control, when branching to a title of a corresponding title number, and the mode information shows whether the program to be executed for dynamic control is a program described in an object-oriented program language.”, classified in class 707, subclass 103R.

The original claims are drawn to “each plurality of programs shows a playback control procedure of the video data, the table includes (1) identification information of each of the plurality programs, and (2) information showing that each of the plurality of program belongs to one of a movie mode and an enhanced mode”, classified in class 386, subclass 125.

Art Unit: 2621

1. Inventions of the original claims ***and the newly amended claims 48, 59 and 70-75*** are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because the combination does not require ***“the program identification information instructs the playback device on a program to be executed for dynamic control, when branching to a title of a corresponding title number, and the mode information shows whether the program to be executed for dynamic control is a program described in an object-oriented program language” of the subcombination*** “. The subcombination has separate utility such as ***“the program identification information instructs the playback device on a program to be executed for dynamic control, when branching to a title of a corresponding title number, and the mode information shows whether the program to be executed for dynamic control is a program described in an object-oriented program language”***.

The examiner has required restriction between combination and subcombination inventions. Where applicant elects a subcombination, and claims thereto are subsequently found allowable, any claim(s) depending from or otherwise requiring all the limitations of the allowable subcombination will be examined for patentability in accordance with 37 CFR 1.104. See MPEP § 821.04(a). Applicant is advised that if

Art Unit: 2621

any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application.

Since the above-mentioned amendment appears to be a *bona fide* attempt to reply, applicant is given a TIME PERIOD of **ONE (1) MONTH or THIRTY (30) DAYS**, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. Since this application has been granted special status under the accelerated examination program, **NO** extensions of time under 37 CFR 1.136(a) will be permitted.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daquan Zhao whose telephone number is (571) 270-1119. The examiner can normally be reached on M-Fri. 7:30 -5, alt Fri. off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tran Thai Q, can be reached on (571)272-7382. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Art Unit: 2621

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Daquan Zhao/
Examiner, Art Unit 2621

/Thai Tran/
Supervisory Patent Examiner, Art Unit 2621